

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-v.-

BERNARD L. MADOFF,

Defendant.
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EIGHTH FINAL ORDER OF
FORFEITURE AS TO CERTAIN
SPECIFIC PROPERTIES

09 Cr. 213 (DC)

BACKGROUND
The Criminal Proceedings

WHEREAS, on or about June 26, 2009, the Court entered a Preliminary Order of Forfeiture (Final as to the Defendant) (the “Preliminary Order”) as to BERNARD L. MADOFF, the defendant (“MADOFF” or the “defendant”), which is incorporated herein by reference as if set out in full;

WHEREAS, on June 29, 2009, the Court sentenced the defendant to, *inter alia*, 150 years' imprisonment and criminal forfeiture in accordance with the terms of the Preliminary Order;

WHEREAS, in the Preliminary Order, the Court imposed an aggregate money judgment upon the defendant in the amount of \$170.799 billion (\$170 billion as to the First Forfeiture Allegation and \$799 million as to the Second Forfeiture Allegation), and ordered the defendant to forfeit all of his right, title and interest in any and all property and other interests belonging to, owed to or controlled in whole or in part by the defendant, and all property traceable to such property, including, but not limited to, all right, title and interest of the defendant in the following property:

- a. Any and all ownership interest held in the name of Ruth Madoff and/or Bernard

Madoff in the following entities, and/or their subsidiaries, affiliates and joint ventures- The Clarke's Group LLC (the "Clarke Group Entity");

- b. The contents of any and all safe deposit boxes held in the name or for the benefit of Bernard Madoff and/or Ruth Madoff, including, but not limited to, those held at Bank of New York Mellon, 706 Madison Avenue New York, New York 10021;

WHEREAS, on or about July 13, 2009, the Government seized one ladies engagement ring from safe deposit Box No. 3278 held at Bank of New York Mellon Wealth Management, located at 706 Madison Avenue New York, New York 10065 (the "Box 3278 Contents" and the Clarke Group Entity collectively, the "Specific Property");

The Stipulation and Order as to Ruth Madoff

WHEREAS, on June 26, 2009, the Court endorsed a Stipulation and Order between the United States Attorney's Office for the Southern District of New York and the defendant's wife, Ruth Madoff, the terms of which included Ruth Madoff's consent to the forfeiture and relinquishment of all claims to the Specific Property.

The Ancillary Proceedings as to the Subject Property

WHEREAS, the provisions of 21 U.S.C. § 853(n) and Rule 32.2(b) of the Federal Rules of Criminal Procedure require publication and notice to third parties known to have alleged an interest in forfeited property and the disposition of any petitions filed under Section 853(n) before the United States may have clear title to such property;

WHEREAS, the Preliminary Order directed the United States to publish and provide notice to third parties known to have alleged an interest in the forfeited property, including the Specific Property, pursuant to 21 U.S.C. § 853(n)(1), 18 U.S.C. § 982(b)(1), and Fed. R. Crim. P. 32.2(b);

WHEREAS, a first notice of the Preliminary Order and the intent of the United States to dispose of the Clarke Group Entity was published on www.forfeiture.gov, the official United States government internet site, beginning on January 23, 2010 and for thirty consecutive days thereafter, pursuant to Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of publication was filed on April 22, 2010 (D.E. 125);

WHEREAS, a second notice of the Preliminary Order and the intent of the United States to dispose of the Box 3278 Contents was published on www.forfeiture.gov, the official United States government internet site, beginning on December 12, 2015 and for thirty consecutive days thereafter, pursuant to Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of publication was filed on February 15, 2016 (D.E. 169);

WHEREAS, 21 U.S.C. § 853(n)(7) provides that, following the disposition of all petitions, the United States shall have clear title to the forfeited property;

WHEREAS, no claims or answers have been filed or made as to the Specific Property in this action, no other parties have appeared to contest the action to date, and the requisite time periods have expired; and

WHEREAS, the Government is therefore entitled to entry of a Final Order of Forfeiture forfeiting to the United States of America all right, title and interest in the Specific Property;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited to the

United States of America for disposition according to law.

2. Pursuant to 21 U.S.C. § 853(n)(7), the United States shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Marshal Service shall take possession of the Specific Property and dispose of the Specific Property in accordance with 21 U.S.C. § 853(n).

4. Nothing in this Eighth Final Order of Forfeiture as to Certain Specific Properties shall affect any property subject to the Preliminary Order of Forfeiture other than the Specific Property, or any petition asserting an interest in any such property.

5. The Court retains jurisdiction to take additional action, enter further orders, and amend this and any future orders as necessary to implement and enforce this Eighth Final Order of Forfeiture as to Certain Specific Properties.

6. The Clerk of the Court shall forward three certified copies of this Eighth Final Order of Forfeiture as to Certain Specific Properties to Assistant United States Attorney Alexander Wilson, Chief of the Money Laundering & Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
October ____, 2018

SO ORDERED:

HONORABLE DENNY CHIN
UNITED STATES CIRCUIT JUDGE
SITTING BY DESIGNATION